A DISCOURSE
OF THE
NATURE and OBLIGATION
OF
OATHS:

WHEREIN,
Satisfaction is tendered touching the *Non-obligation* and *Unlawfulneſs* of the *OATH* called,
The SOLEMN LEAGUE and COVENANT.

The Acknowledgment whereof, is required of us by a late ACT of PARLIAMENT, Intituled,
An ACT for *UNIFORMITY*.

Publiſhed as an *APPENDIX* to the
Peace-offering.

By the ſame *AUTHOR*.

Thou ſhalt ſwear the Lord liveth in Truth, Judgment, and Righteouſneſs, Jer. 4. 2.
Juramentum Pietatis, non debet eſſe vinculum Iniquitatis.

LONDON, Printed by *E. M.* for *Thomas Pierrepont*, at the Sun in St. *Pauls* Church-yard. 1662.

A Diſcourſe

TOUCHING THE

NATURE, & OBLIGATION of *OATHS*:

TOGETHER WITH THE

NON-OBLIGATION and UNLAWFULNESSE

Of the OATH, called,

The Solemn League and Covenant.

THE earneſt deſire of my Soul for the advancement of *Piety* and *Peace*, engaged me to ſend forth my *PEACE-OFFERING* into the World, to invite to *Peace*, and perſwade to *Obedience*, and a juſt *Conformity* to the Laws under which we live; wherein it was my endeavour to ſatisfie the principal Doubts, and remove the moſt material Scruples which might hinder that *Peace* and *Obedience*: But there is now riſen another, which I then could not foreſee; *viz.* This *Acknowledgment* or *Declaration*, which we are commanded by the *Act of Parliament*, Entituled, *An Act for Uniformity*, &c. to make and ſubſcribe, *viz.* *Sect.* 1.

I A B. *Do Declare, That it is not lawful upon any pretence whatſoever to take Arms againſt the King, and that I do abhor that Trayterous Poſition, of taking Arms by His Authority againſt His Perſon, or againſt thoſe that are Commiſſionated*

missionated by Him; And that I will conform to the Liturgy of the Church of England, *as it is now established: And I do Declare, That I do hold there lies no Obligation upon me, or on any other person, from the Oath commonly called,* The Solemn League and Covenant, *to endeavour any change or alteration of Government either in Church or State; and that the same was in it self an unlawful Oath, and imposed upon the Subjects of this Realm, against the known Laws and Liberties of this Kingdom.*

Sect. 2. I know it will be deemed by many a matter of extream severity, for the Parliament thus to oblige men to renounce, what, *with hands lifted up to the most High God*, they have so solemnly sworn; and this, by no less penalty than the Forfeiture of their Places, Livings, Promotions, and consequently Livelihoods, and means of Subsistence for them and their Families. But it may be remembred that there was as great severity, (yea, more bitter, because illegal) used against thousands of persons, every way as conscientious as any now can pretend to be, both Ministers and others, by those who imposed the *Covenant*, to make them swear it, though because of the Obligation of their former Oaths they durst not submit to such a perjury. I could tell sad Stories, to which the World is no stranger, of men brought before *Committees*, Holy, Learned, Pious, Painful Preachers, unblameable in their Lives, That when nothing could be objected against them for Life or Doctrine, then presently the Cry was, *Try him with the Covenant:* And the refusal of that, though so contrary to the known Laws, and their former Obligations, was the exposing of them and their Families to Beggary and Misery. Let us reflect upon that unjust severity then, and not think it cruel now, that we are by a lawful Authority required to renounce that which was made an Engine to ruine and destroy so many.

Sect. 3. But not to dispute the rigour or severity of the Law, let us consider the matter enjoined, and see whether there be any thing in this *Declaration*, which a considering conscientious Christian may not readily Subscribe unto. There are but these three things to be declared and acknowledged.

1. The

1. The *Unlawfulness of Rebellion*, or *bearing Arms against the King*.

2. A readiness *to conform to the Liturgy*.

3. The *Non-Obligation and Unlawfulness of that Oath*, called the *Solemn League and Covenant*.

1. For the first, No Sober Christian, or Loyal Subject can make Scruple at it, *That it is unlawful upon any pretence whatsoever, to take or bear Arms against the King*, is a Truth so manifest and express in the Scriptures, which command (*a*) to *render to Cæsar the things that are Cæsars*; and (*b*) Custom, Tribute, Fear, Honour, Subjection and Obedience to our Kings (yea, though they should be as the *Roman Emperours*, Enemies to, and Persecutors of the Church; that he must forfeit his *reason*, *conscience*, yea, his *Christianity*, that shall question it. And I hope, yea, can be almost confident, That even those who yet scruple the *Obligation of the Covenant*, and are therefore afraid to Subscribe that part of this *Acknowledgment*, do abhor, and I presume are ready to declare, *That they abhor that Trayterous Position of taking Arms by His Authority against His Person*, &c. which was but a distinction invented to draw in many well-meaning people into that quarrel; who being afraid to break their Allegiance to the King, were abused by dividing His *Natural* and *Politick Capacity*; and perswaded that they fought *for the King*, when what they did, tended to *destroy Him*. *Sect.* 4.

(*a*) Mat. 22. 21
(*b*) Rom. 13. 1. —— 8. 1 Pet. 2. 13, 14

2. For, the *Conformity to the Liturgy*; that we may both lawfully conform, and consequently promise it, I refer the Reader to the Discourse about this Subject in my *Peace-Offering*. *Sect.* 5.

3. But it is the matter of the *Covenant*, and the obligation thereof, which is mainly now (if not only) the matter of Scruple, and Stumbling-Block in the way of many. That they (and very many they were) who by the Command of the *Lords and Commons in Parliament*, and upon the serious exhortation of an *Assembly of Grave Divines*, with *hands lifted up to the most High God*, have Solemnly Sworne it, and engaged themselves to *endeavour in their places with all sincerity*, *Sect.* 6.

ty, reality and conſtancy, *without reſpect of perſons* to perform the Contents of it; and to *ſtand by all that entred into it againſt all oppoſers*, and that *no fear, terror or perſwaſion whatſoever* ſhould draw them from a zealous proſecuting of the ends of it; that theſe ſhould now acknowledge and declare, that *neither themſelves, nor any elſe are obliged by it*, and that it was *an unlawful Oath*, &c. this ſticks.

Sect. 7. Some, perhaps, that have been over eager and zealous in contending for, and by all imaginable Arguments urging and preſſing this *Oath*, or, *Covenant*, labouring by all wayes to draw the people into this *League* and Combination, may think their *reputation* now ſo to lie at ſtake; that ſhould they now retract or condemn that, which they have not only ſworne themſelves, but have been ſo zealous and inſtrumental to make others alſo ſwear; that high eſteem, which they now have with the people for zeal and Goodneſs, would be utterly loſt; when this very Acknowledgement would make people think, that either they did heretofore go againſt Law, Conſcience, and Piety, to promote a wicked deſign; or, now as weakly, to pleaſe men, and to ſave their worldly eſtates, are ready to do any thing, and perjuriouſly to break the bonds which they were by ſo Solemn an Oath obliged in. And the truth is, while men have their eye thus upon the empty blaſt of a vain reputation, there can be no hopes to perſwade ſuch to retract an error, much leſs to condemn, what themſelves have ſo violently promoted. But, methinks, men of knowledge and parts, and (above all) that profeſs themſelves to be *Chriſtians*, ſhould know, that the eſteem and applauſe, or cenſures of men, is too ſandy a foundation to build upon; and the worſt rule to guide our actions by: and be able to teach themſelves and others, that as ſometimes to fall, and be overtaken in a ſin, was the *weakneſs of fleſh*; ſo to perſiſt in an error is the *wickedneſs of a man*; but to glory in, and labour to juſtifie an evil action, is the property rather of the *Devil*, than *Man*: and that our beſt repute, and higheſt credit with God and all good men, is, *that we are more ready to repent, than we were to ſin*; that we our ſelves are ready to caſt the firſt ſtone, and condemn our ſelves for what we have done amiſs;

that though ſin have ſometimes overtaken us as we are men, yet upon conviction we riſe again by repentance, and through grace overtake mercy. What an happineſs would it be to the Church? What a real honour would it be to the perſons themſelves, if they would be as forward in returning, and as zealous in informing the people of their errors, and reducing them to obedience and peace; as they have ſometimes been to ſtir them up againſt the wayes of both?

Sect. 8. But I am not ſo uncharitable as to think that all, or the moſt, who ſcruple this *Acknowledgement*, are ſuch men, or only guided by ſuch rules. Many that took this Covenant, and many Miniſters that preſſed it (I verily believe) thought that they *muſt* and *ought to do ſo* (though, I fear, upon no better grounds, than St. *Paul* before his converſion had to perſwade him that he (*c*) *ought to do many things contrary to the Name of Jeſus*: or than thoſe had, who perſecuted the *Diſciples*, and (*d*) *thought they did God good ſervice*. Howſoever) many in the ſincerity of their hearts did ſwear, many through fear entred the ſame obligation: ſome think they are ſtill obliged, though they may be convinced that they raſhly or unlawfully took that Covenant. The ſatisfaction of theſe doubting ſouls, is the deſign of this Paper.

(*c*) Acts 26. 9.

(*d*) Joh. 16. 2.

Sect. 9. We ſhall therefore examine the matter required by this *Act*, which is a Law of undoubted Authority now upon us; and conſider, whether any men are, or can be obliged by the *Covenant* mentioned, ſo far, as that they may not ſubſcribe this *Declaration*, or, *Acknowledgement*. There are but two things required to be acknowledged and declared. 1. *That there lies no obligation upon any perſon by this Oath, to endeavour the Alteration of Government in Church or State.* 2. *That it was an unlawful Oath, and impoſed contrary to the known Laws and Liberties of this Kingdom.* Both which I judge unqueſtionably true, and ſhall give my reaſons, that I may do my part to remove this ſtone of ſtumbling, and Conſcience being ſatisfied in this caſe, we all may obey the Law in a juſt conformity, and continue with chearfulneſs and peace to ſerve God, and his Church in our generations.

Sect. 10. An *Oath* beyond all peradventure is most Sacred, and hath the greatest tie upon the soul; being, *A Religious attestation of God, with an imprecation of his wrath upon us, if we break it, or abuse his Name in it.* Here we call in God for a Witness of the truth and sincerity of our hearts, and imprecate his vengeance upon us if we either lye, or mean not to performe what we so promise in things lawful, and in our power. Thus it is a Solemn invocation of God the searcher of all hearts, that he would *bear witness* to the truth, and be our *Surety* for what we promise, and punish him that swears deceitfully. So that an *Oath* thus solemnly sworne, and religiously taken, must have the strongest obligation upon Conscience, upon this threefold account.

Sect. 11. 1. In regard of the *Name* invoked, and by which it is made. It calls in *God* as the *Searcher of hearts* (*e*) to attest it; that is, the eternal and immutable verity to confirm it: and to falsifie here, is to make the *God of Truth* the Author or Patron of a *Lye*.

(*e*) Rom. 1. 9. 2 Cor. 1. 23. & 11. 31. Gal. 1. 20. Isa. 65. 16.

Sect. 12. 2. In regard of the *Imprecation*, and consequently the *vengeance* to be inflicted; man devoting himself to a Curse, for a punishment of his Perjury; to be an *Anathema*, if he swear falsly, or willingly performe not, what by solemn *Oath* he is bound to do. For this was the form of, and the usual imprecation in the Ancient Oaths, (*f*) *God do so to me, and more also, if*, &c. not expressing, but by an *Aposiopesis* suppressing the evil wished; as committing it wholly to the judgement of God: *q.d. The Lord thus and thus punish me, yea multiply his plagues and judgements upon me, as himself pleaseth, if I intend otherwise than I say or profess.* This was a thing which even Nature taught the very *Heathens*. (*g*) When *Agesilaus* a King of *Sparta*, and *Tissaphernes* General of the *Persians* had made and sworne a three moneths truce; The *Spartan* thought himself obliged to keep faith with his enemy, and to attempt no hostility. But the *Persian* regarded it not, studied War still. Yet the *Spartan* persisted to *keep his oath*, expecting by this means advantage enough against the *Persian*, as being confident that his *Perjury* would alienate the minds of men, both from him, and his designs; and moreover provoke the *gods* also against him, by whom he had sworne.

(*f*) Ruth 1. 17. 1 Kings 2. 23. & 19. 2. 1 Sam. 25. 22.

(*g*) *Corn. Nep. in vita Agesil.*

3. In

3. In regard of the *end* for which the *Oath* was taken, *Viz.* *To make faith*, and *beget belief*, to be a perfect (*b*) *Confirmation* of a thing in doubt, and the best *assurance*, that what is promised shall be performed. The *God of Truth* is called in to witness; and his anger imprecated, that men may have reason to believe and trust us; and not doubt of the truth of our words, or sincerity of our intentions. Words are made to be the interpreters of our mind, by which we can only know the intentions one of another; it is therefore as *unnatural* as *unlawful* to falsifie ones word, or (*i*) *tell a Lye*; to use *mental reservations*, *Amphibologies*, or *Equivocations*, which would make all Leagues and Contracts of no assurance. *Truth* and *Falsehood* are parts of *justice* and *injustice*, which have relation to our Neighbour *ad extra*, and are therefore not to be estimated according to what *lieth hid within*, *in the mind*; but according to what *flowes from the tongue in known and intelligible words*. The end of *words* is to testifie the hidden truth of the *heart*. But when an *Oath* shall be added to these words, and the *Eternal Verity* called in to witness that our tongues do faithfully declare our minds, this is added, to beget a firmer belief, and to falsifie here is a greater sin: a Truth which all men, even the Heathen have received as Sacred. * When *Lacrates* the *Theban* Captain besieged *Pedasium* in the behalf of the *Persians*; at last it yielded upon terms; and *Oath* was given that the *Greeks* yielding the Castle, should go out safe with all their goods, and be conveyed to their Countries. Upon confidence of this *faith* given by *Oath*, they yield, but the *Persian* Souldiers under *Bagoas*, the Kings Lieutenant coming in, contrary to the *Oath* fall to Pillaging the poor *Greeks*, they now can do nothing but bewail their misery, complain of the Perjury, calling on the gods to punish it. But *Lacrates*, who had made the terms, and given his *Oath*, in zeal to his Oath, falls upon the *Persians* for whom he fought; and protects the *Greeks*, to whom he had sworne. The *Persians* accuse *Lacrates* as taking part with the *Greeks* against them, but the King (who was then *Ochus*, even the same who was *Ahasuerus* the husband of *Hester*) hearing the cause, justified *Lacrates*, condemned his own Lieutenant, *Bagoas*;

Sect. 13.

(*b*) Heb. 6. 16.

(*i*) Lev. 19. 11. Ephes. 4. 25.

* Vid. *Simf.* Chron. Cath. in *Persic.* p. 115.

Bagoas; determined that thoſe *Perſians* were juſtly ſerved; and ordered further puniſhment ſhould be taken upon them, who to *brake the Oath* and pillaged the *Greeks*. So Sacred a thing did that Barbarous King eſteem an *Oath* to be.

Sect. 14. There is no doubt then, but there is an high obligation by an *Oath* upon the ſoul. But yet not ſuch an obligation in *every Oath*, as to bind the Swearer to an actual performance of it. For it is no difficult matter to give inſtances of ſome *Oaths* that have been wickedly entred into, and more wickedly kept. And therefore we muſt conſider as the nature, ſo the ſeveral qualities of *Oaths*, that we may better be able to judge when and how far they bind.

Sect. 15. As to an *Oath* then, that we may neither ſin in the taking, nor in the keeping of it, God hath given us this expreſs com-
(*k*) Exod. 20. 7. mand, (*k*) *Thou ſhalt not take the Name of the Lord thy God in vain*, &c. And for the preſerving this Name of God from all prophanation, which is much prophaned by *raſh, inconſiderate, irreligious Oaths*; by *Perjury*, and by *not performing our Oaths to the Lord*; yea, and by *doing*, upon pretence of an Oath, *what we ought neither to ſwear, nor do*: The Pro-
(*l*) Jer. 4. 2. phet hath ſet this threefold boundary about all our Oaths. (*l*) *Thou ſhalt ſwear —— in Truth, Judgement, and Righteouſneſs*: (*i.e.*) Truly, conſiderately, and juſtly. So that to every lawful *Oath*, there are theſe three things prerequiſite.

Sect. 16. 1. *Truth*. That God be not invoked to a lye. Here the
(*m*) Lev. 19. 12 Law is, (*m*) *Thou ſhalt not ſwear by my Name falſly*, a
(*n*) Iſa. 48. 1. crime (*n*) charged upon *Iſrael* as their ſin. For this is to make
Jer 5 2. the *Eternal Truth* witneſs to a *Lye*, and lay an impuration up-
(*o*) Joh. 8. 44. on God, to be (as (*o*) the Devil) *the Father* and Factor *of Lyes*. Here then we are obliged, to ſwear to nothing, but what is *True, viz.* to aſſert nothing but Truth: and our hearts and words going together, that we really endeavour to make good what we have ſworne.

Sect. 17. 2. *Judgement*. That we ſwear not *raſhly* or *inconſiderately*, but ſeriouſly conſider what we ſwear, and whoſe Name we invoke: that an Oath may be taken with the greateſt care, diſcretion, and deliberation. Leſt the Sacred Name of God be prophaned by idle, light, and cuſtomary *Oaths*; or our ſelves irrepa-

irreparably ſnared by our inconſiderateneſs, as *Joſhua* and *Iſrael* were (*p*) by ſwearing to the *Gibeonites*. (*p*) Joſh. 9. 15. — 25.

3. *Juſtice* and *Righteouſneſſe*. To do nothing but what is juſt and honeſt, leſt we make God the countenancer of wickedneſſe, and call in the *moſt Holy* to patronize impiety or injuſtice. Such an *unjuſt Oath* was that of (*q*) *Saul*, whereby he would have killed his ſon: (*r*) of *David*, to deſtroy *Nabals* houſe: of the (*s*) *Jews* to murder *Paul*. The cauſe, ground and matter of the *Oath* muſt be *juſt*, *honeſt*, *lawful*, *poſſible*, and *conſonant to the revealed will of God*. *Sect.* 18. (*q*) 1 Sam. 14. 39. 44. 45. (*r*) 1 Sam. 25. 22. — (*s*) Acts 23. 12

Theſe three conditions muſt have place in all ſorts of *Oaths*, which are fully compriſed under theſe two general heads.

1. An *Aſſertory Oath*, which is nothing elſe but a *Depoſition*: that, of which the Apoſtle ſpeaketh, when he ſaith, that (*t*) *an Oath for confirmation is the end of ſtrifes*. Which muſt be allowed, as without which many controverſies, queſtions, and ſuits of Law were indeterminable. The uſe of this *Oath* is, when we are called, to witneſſe and declare what we know of a thing *paſt* or *preſent*, the truth whereof we are bound then by *Oath* to declare, ſo far as we know. In this the three forementioned conditions have place, thus. 1. *Truth*, that we affirm or deny nothing, but what we know infallibly, evidently, and certainly: or, if the thing be doubtful, that we affirm or deny it, but as ſuch, and venture no farther than a probability, *viz.* that there be perfect truth in our words. 2. *Judgment*, *viz.* 1. That we remember it is the *Oath of God*, an holy thing, and not to be made profane or common; nor taken, but when by a lawful authority we are called unto it. 2. In great, and ſerious, and weighty cauſes, or matters of moment, to which only it is fit to call down (as by *Oath* we do) the *great God* from heaven to be a Witneſſe and Judge. *Nec Deus interſit, niſi dignus vindice nodus inciderit* — 3. Not out of any levity, love, hatred, or any paſſion or perturbation of mind; but a juſt and lawful neceſſity: when no other way remains to prove the truth, or put an end to controverſies. 3. *Juſtice* and *Righteouſneſſe*. When we are juſtly called to take it, and when we ſwear, we ſwear from an honeſt heart. Here *Juſtice* and *Truth* is much what the ſame. Theſe *Oaths* refering only to the time *paſt* or *Sect.* 19. (*t*) Heb. 6. 16.

preſent, the *Truth* in them is but *ſingle*; relating only to the time preſent, or the *Act of ſwearing*, *viz.* that this is Truth, which we now depoſe. The difficulties about theſe *Oaths* therefore are not many, nor very implicate, becauſe thus their whole truths are immediately fulfilled in the preſent act, and a farther obligation theſe have not. But the moſt difficulty is concerning another ſort of Oaths, *viz.*

Sect. 20. 2. *Promiſſory Oaths.* Which have reſpect to the *time to come*, and lay an obligation for the future. For by theſe we engage our ſelves to do ſomething hereafter. Such was that (*t*) 1 Kings 1. 17. (*v*) *Oath* of *David*, that *Solomon ſhould reign after him.* This, when made to *God*, is called a *Vow*; when to *man*, an *Oath*. The Obligation in both is the ſame, becauſe made in the name (*x*) Pſal. 76 11 of God. (*x*) *Vow and pay to the Lord*, ſaith one text, and (*y*) Mat. 5. 23. (*y*) *Thou ſhalt perform to the Lord thine Oaths*, ſaith another. This alſo muſt have the ſame conditions, of,

Sect. 21. 1. *Truth*, that we promiſe only, what we ſincerely mean to perform; and that we do really perform, or at leaſt endeavor our beſt and utmoſt to perform what we have ſo promiſed. So that the *Truth*, which in the *Aſſertory Oath* is onely *ſingle*, relating to the *preſent*, and *Act of ſwearing*, is in this *promiſſory Oath double.* 1. In regard of the *preſent*, that our *mind* and *words* go congruouſly together; that, as we promiſe, ſo there be a real ſincere intention to perform, and here lies on the ſoul an immediate obligation, that in the very *act of ſwearing*, our *words be according to our intentions.* 2. In reference to the *effect*, and *time to come*, that we will have our *Actions* go along with our *words*; and that by our utmoſt endeavors in all honeſt wayes we will labour to make our words good.

Sect. 22. 2. *Judgment.* That (as in the former ſo in this) we 1. With reverence remember *by whom we ſwear*, the name of the *great God*, ſo as we enter not this *Oath* upon light and trivial cauſes, or, not lawfully called to it. 2. That upon mature deliberation we ſo promiſe, what we promiſe by oath, conſidering well the matter and circumſtances to which we are engaged; leſt by our inconſiderateneſſe we ſhould oblige our ſelves to a miſchief or inconvenience. 3. That, what we promiſe be poſſible, and in our power; leſt otherwiſe by our raſhneſſe we become

come engaged, where by reaſon of the impoſſibility of performance we cannot but break our Oaths. That we be not drawn either by affection, paſſion, fear or terror to promiſe that, which in out unbiaſſed thoughts we would not, or might not do.

3. *Juſtice*, and *Righteouſneſſe*, that what we promiſe be juſt, honeſt, lawful and agreeable to the Word of God; not contrary to any moral precept, nor our former lawful Oaths, and not yet reſcinded obligations. So that, as 1. They ſin againſt this, who having ſworn, and being obliged to the duty of any moral precept, yet for gain, intereſt, vain reputation, &c. abſolve themſelves at pleaſure, and perform not their Oaths: So 2. Do they ſin alſo, who enter into Oaths and Obligations to do, what they are obliged not to do, as to *lye*, *kill*, *ſteal*, *&c.* Such was the Oath of the (z) *Jews* to kill *Paul*; of (a) *Herod* to *Herodias*, both *raſh*, and againſt *judgment* in the Act, ſwearing to give her *any requeſt*, not conſidering how unjuſt, or unequal a thing ſhe might ask; and *unjuſt* and *wicked* in the execution, the *Murder* of an *innocent Man*, and an holy *Prophet of God*. *Sect.* 23.

(z) Acts 23. 12
(a) Mat. 14 8. — 12.

Theſe *Promiſſory Oaths* only are the matter of our preſent conſideration, as thoſe only which have an obligation upon us for the future. And becauſe the *Matter of this Oath*, which is in the future to be fulfilled, is naturally ſubject to change whether we will or no, the *Obligation* therefore muſt needs be *mutable*, and *ſeparable from the Oath*. It is in our power to make the *firſt* truth good, *viz.* That *our minds and intentions ſhall go along with our words*; but the *ſecond* is not alwayes in our power, *viz.* That *our Deeds and Actions ſhall exactly anſwer either our words or intentions*. He is forſworn, who intends not what by Oath he promiſeth; but he is not alwayes forſworn, who effects not what he hath ſo ſworn. *Sect.* 24.

Let us therefore conſider the Caſes, how far theſe *Oaths* oblige; and when, or where the Obligation ceaſeth; for I doubt not, but there is an unqueſtionable Truth in both theſe Propoſitions. *Sect.* 25.

1. That though a *lawful Oath* generally obligeth, yet there are ſome Caſes and Times where it obligeth not: And,

2. That there is some kind of *unlawful Oath* that still obligeth; so that on the one side, *Sometimes an Oath may be lawfully sworn, yet afterwards unlawfully kept*; on the other side, it may be *unlawfully sworn, yet may be lawfully kept, and would be unlawfully broken.*

Sect. 26. Therefore as to the *lawfulness*, or *unlawfulness of Oaths*, I must premise this distinction, which is but necessary for the better understanding, wherein they are *lawful* or *unlawful*, and we may be able to give a clearer judgment of the Obligation. *Oaths* may be said *lawful* or *unlawful*.

1. In regard of the *Imposers* or *Exacters* of them. They are lawful, when we are called to swear by a *just* and *lawful* Authority; *unlawfully* imposed, when by an *usurping* and *unlawful* Authority.

2. In regard of the *Act*, *Manner*, and *Motive* of *swearing*. It is *lawful*, when upon a *lawful call*, from an *honest heart*, upon *mature judgment*: But not so, when *rash*, or *inconsiderate*, drawn by *Affection*, hurried by *Passion*, driven by *Fear*, or extorted by *Force*.

3. In regard of the *Matter* sworn to; whether *just* and *honest*, or *evil* and *unlawful* to be done. In the *first* Notion, an *unlawful Oath* may oblige; sometimes in the *second*; but never in the *last*. These things will help us to judge what *Oath* is *lawfully* or *unlawfully* taken; and when the *Obligation of a lawful Oath* ceaseth, and where it continues: And where an *unlawful Oath* obligeth, or obligeth not. I shall give you my thoughts in these Conclusions.

Sect. 27. 1. It is beyond all question that *all Oaths*, lawfully required, to which we are called by a just Authority, the matter whereof is just, honest, and in our power to perform, do indispensibly oblige the conscience, so long, and so far, as those who required the Oath, will that they should. This I take as so clear and unquestionable, that it needs no proof nor explication

Sect. 28. 2. *All Oaths*, where the matter is just, or they oblige not to any dishonest thing, though they are rashly sworn or upon surprise, though imposed by unjust Powers, extorted by force,

and

and cannot be kept but to our own inconvenience, and ſo conſequently *unlawful Oaths*, perhaps, *ſinfully ſworn*, as being contrary to that condition of ſwearing, *in judgment*; yet *may lawfully be kept*, yea, ſometimes, and in ſome caſes do oblige, and *may not be broken*. Such was the caſe of *Pomponius* the *Roman Tribune*. (b) He had ſummoned *L. Manlius* to appear in court to an accuſation againſt him concerning his too ſevere uſage of his ſon. The ſon *T. Manlius* hearing of it, went into the Chamber of the *Tribune*, and with his drawn ſword threatned his life, if he preſently ſwore not to him to withdraw the Action againſt his Father. *Pomponius* through this terror took ſuch an Oath; and when the day came, declared the matter to the people, and according to his Oath, withdrew the Action. So *Religious a tie* was an *Oath* eſteemed in thoſe dayes, though it were extorted by terror. The like may be ſaid of Oaths in caſe of ſurpriſal: ſuch was the caſe of *Alexander M.* The ſtory is this, (c) The Citizens of *Lampſacum* had joyned with *Darius* the *Perſian* againſt the *Greeks*: *Alexander* who had the command of all the *Gracian* forces, marcheth with fury, threatning utter deſtruction to theſe *Lampſacenians*; they affrighted, ſend one of their chiefeſt Citizens, one *Anaximenes* to beg favour: *Alexander* to prevent him and his ſuit, ſwears that he wil not grant that which *Anaximenes* ſhould ask: *Anaximenes* takes advantage, and ſurpriſeth him upon his Oath, Petitions that he would deſtroy the City, demoliſh their Temples, captivate and ſell the inhabitants; thus was *Alexander* wittily circumvented, and the City ſaved, *Alexander* thinking himſelf bound by his Oath not to deſtroy it, becauſe *Anaximenes* had ſo petitioned, whom he had ſworn to deny. Here was an *Oath raſhly* taken, the ſwearer *ſurprized*, who yet accounted himſelf obliged. Shall I adde another? a caſe which the Scripture records, it is that *oath* of (d) *Joſhua* and *Iſrael* to the *Gibeonites*: they by craft obtain a League, which they ſhould not have obtained, had they been known inhabitants of the Land, whom *Iſrael* had commiſſion to deſtroy, but they pretending a long journey, an Embaſſy from a far Countrey, *Joſhua* and the *Elders of Iſrael* are ſurprized, the *League*

(b) Cic. *de Offic.* l. 3. ad fin. cap. *de Fortitud.*

(c) Pauſan. *Eliac.* 2. Valer. Max. *l.* 7. *c.* 3.

(d) Joſh. 9. 4—20.

is

is made, and *ſworn* to, *to let theſe Gibeonites* live. The people, when they hear the fraud, murmure againſt the Princes, but they anſwer, *We have ſworn to them by the Lord God of Iſrael, therefore we may not touch them.* They knew they were (though raſhly ſworn) yet now obliged, and God did afterwards ſeverely (*e*) puniſh the breach of this Oath upon the houſe of *Saul*, who ſought to ſlay the *Gibeonites* contrary to this League, though it was in *his zeal to the Children of Iſrael and Judah.* Such Oaths then, though *extorted*, or *unjuſtly impoſed*, or *raſhly taken*, yet when their matter is not diſhoneſt or unjuſt, do bind, though it may be to our own damage or inconvenience. He that hath ſo ſworn may have reaſon to repent of his raſhneſſe, but muſt perform his Oaths, when he hath *ſworn*, though (*f*) *to his own hurt*, he muſt *not change.*

(*e*) 2 Sam. 21. 1–10.

(*f*) Pſal 15. 4. *Sect.* 29.

3. But there are ſome caſes wherein both a *lawful oath ceaſeth to oblige*; and an *unlawful oath never did*, *nor can oblige to the actual performance of it.* The matter of a *Promiſe*, and conſequently of a *Promiſſory oath*, is ſomething *future*: now what is ſuppoſed *future* may yet be 1. *Neceſſary.* 2. *Impoſſible.* 3. *Poſſible.* The *firſt* is *neceſſary to be performed, and muſt be done*; the *ſecond* cannot be expected, nor can there be an obligation to do, what (not only may not but) *cannot be done*: The *laſt may.* But this depending ſo much upon our own or others *wills*; and there being alſo many *contingencies*, which cannot be determin'd by our *wills*; our ſtate and condition here being in continual motion and change: this is that which makes the Difficulty, and is the matter of *perplexing oaths*, and promiſes. It muſt therefore be moſt evident, that there is *no promiſe* or *oath*, which, in theſe things whoſe futuritiion is ſubject to, and depends upon ſo many contingencies; can be ſo poſitive and abſolute; but muſt be ſuppoſed to have ſome tacit but neceſſary conditions annexed to them: by reaſon whereof a man may ſometimes *not keep*, and yet not be guilty of the *breach of his oath*: yea, ſometimes may be obliged *not to keep it*, for all our engagements and actions lie open to the controlments that may be made by a *Law*, *Juſtice*, the *power of our Superiours*, and the *Rights of another third perſon.* So that,

1. There

1. There may be, and oft is (as the *Law* and *Caſuiſts* term it) *Solutio vinculi per ceſſationem materiæ, & mutationem factam circa cauſam juramenti principalem.* When the *matter of the Oath* is taken away, or ſome *notable* and material *change* made in that which was the *principal cauſe of the Oath*, the bond is looſed, and he that was obliged, is now free. For this muſt be ſuppoſed as the tacite condition, *rebus ſic ſtantibus*, That things ſtand and continue as they do, or that there ſtill be the ſame occaſion of doing the thing now, as there was of doing, or ſwearing to do it, when the Oath was taken. And thus *Sect.* 30.

1. The *Matter of the Oath* ceaſeth, when the ſtate of things is ſo changed between the time of *ſwearing* and *fulfilling*, that had they been ſo then as they are now, or had we foreſeen this change and ſtate of things, the *Oath* would not have been required, yea ought not to have been taken at all. For inſtance, (*g*) *Solomon* forgave *Adonijah* his offence in uſurping the Crown, on condition that *wickedneſs ſhould not afterwards be found in him.* After this comes in (*h*) *Bathſheba* with a Petition for him, and King *Solomon* gives her an abſolute promiſe that *he will not deny her.* Upon this abſolute grant ſhe goes on to ask (*i*) *Abiſhag* one of *Davids* Concubines, a *wife for Adonijah*: upon this *Solomon* notwithſtanding his former peremptory engagement to his Mother, *not to deny her*, not only doth not make that good; but moreover alſo takes a Solemn Oath, (*k*) *Adonijah ſhould die.* Here is an evident contradiction to his former peremptory Promiſe, and yet he cannot be ſaid to break promiſe, nor had he ſworne to the promiſe, could he for this be accuſed of dealing falſly; becauſe in the Poſitive grant by the Promiſe, there muſt be underſtood this tacit condition, that *Adonijah* (according as his former pardon went) ſhould attempt nothing unlawful, which he now did, it being *Treaſon* for any, to attempt the *Concubines of the deceaſed King*, beſides the Succeſſor; for (*l*) his only they were. Here was a notable alteration in the matter. The Promiſe made and ſworne to *Adonijah*, was, as to *faithful and loyal*, the caſe is altered when he turns *Traytour.* Thus, thoſe who have ſubſcribed and ſworne to the uſe of the *Liturgy* of the *Church of England*, did ſubſcribe and ſwear to that Particular *Sect.* 31.

(*g*) 1 Kings 1. 52.

(*h*) 1 Kings 2. 20.

(*i*) *Ver.* 21.

(*k*) *Ver.* 22, 23, 24.

(*l*) 2 Sam. 12. 8 & 16. 21.

cular *Liturgy* which was eſtabliſhed, and as it was eſtabliſhed in 1° *Eliz.ab.* but now ſeveral alterations being made in the Book, and eſtabliſhed by a Law of undoubted Authority, this is ſuch an alteration in the *Matter*, as frees thoſe from that obligation as to that Book, when the time comes that this new one takes place, and is in force. And to this I refer this alſo,

Sect. 32. 2. A Freedom from the bond or obligation, when the ſame Authority, that required the Oath, gives a *Relaxation*, or cancels and *annuls that Oath.* Thus he, that fulfils not his promiſe to him, that will not have it fulfilled, breaks not his word: The reaſon is, becauſe no man is Maſter of anothers right; neither have we a right of making others keep, what is their own property, longer than they will themſelves. To *Pay a debt* is alwayes the duty of the *Debtour*, ſo long as the *Creditour* will have it ſo: but it is not alwayes a duty in the *Creditour* to receive it from the *Debtour:* Acceptation here is equivalent to Payment. If I promiſe another, and ſwear to pay him 100 *l.* I am bound if he will accept it; but if he will refuſe the Debt, I am free from the Obligation. So in this caſe, if a Servant ſwear to a Maſter to ſerve him ſuch a Term of years, He is obliged, if the Maſter ſtill require it, but if the Maſter will diſcharge him ſooner, he is free, notwithſtanding his former Oath. The like reaſon there is (I conceive) in *Publick Oaths*, ſuppoſe them enacted by a lawful Authority; we ſwear lawfully, and are bound ſo long as that Authority will have that in force to which we ſwore. But if the ſame Authority annul the Law, and revoke the matter, we are alſo free. As ſuppoſe I were called to ſwear, that I would conſtantly uſe the *Liturgy* now eſtabliſhed, and no other, I were bound by my *Oath*, as well as by the *Act* that enjoynes it: but ſhould this be taken away hereafter by a *Law*, and the ſame Authority (*i.e.*) an *Act of Parliament* take away this, and require another Form, I ſhould be free of that Obligation: for the Oath ſuppoſeth the Authority ſtill requiring it. In ſuch a notable alteration we lawfully may not do, yea muſt not do (unleſs our Oath can oblige us to reſiſt a Law, which God hath bound us to obey) what we lawfully did by Oath promiſe to do.

2. *Thoſe*

2. *Thoſe Oaths* whereby we bound our ſelves to *Impoſſibilities*, were *Raſhly*, and *inconſiderately* taken; and may not only *lawfully be broken*, but indeed *cannot be kept*: and the very *Impoſſibility of Performance* makes *a nullity in the Obligation*. Whether the things ſworne to, are, 1. *Impoſſible in Nature*. As if I by Oath ſhould engage my ſelf to number the Stars, or the ſands on the Sea ſhore, or hold the Ocean in the hollow of my hand: I ſhould be ſinfully involved in the guilt of a *raſh Oath*; yet could not be obliged to that, which *God* and *Nature* have made impoſſible. Or. 2. Whether they be *Morally*, and *in equity Impoſſible*. What we ſwear, muſt be *in our Power*: for this alſo is ſuppoſed a tacite condition, that *we have power to do that, which we ſwear to do*. This, I conceive, was that which by the Law of the *moſt Righteous God*, (*m*) freed *a Wife*, or *a Child* from the obligation of their Oath or *Vow*, when the *Husband* or *Father* denied, and diſallowed it: becauſe neither *a Wife* being under Covert bond, nor *a Child*, being under tuition, are *ſui juris*. They have not power over their own ſelves. The *Wife hath not power over her ſelf, but the Husband*: ſo nor hath the *Child*, but the *Father*: and conſequently neither have they power over their own Actions and engagements; but he, under whoſe power themſelves are. We know a Bond of a wife, or child under age ſignifies nothing, nor can they be ſued, they have no obligation in the Courts of men. There is proportionably the ſame reaſon of *Publick Oaths*, which are the Bonds of People who are under Government, or Tuition of their Prince. If *People enter into an Oath*, and bind themſelves to an Action; and the *King*, under whoſe charge they are, who is *Pater Patriæ*, and whom they are bound to obey, ſhall *diſallow thoſe Oaths*, and *forbid thoſe Actions*; they may have reaſon to ask God forgiveneſs for their *Raſh engagements*, but are not obliged to do that which they have ſworne: the things being not legally in their power, becauſe of a Superior Authority, that diſallows them, to which they (*n*) *muſt be ſubject*. *Sect.* 33.

(*m*) Num. 30. 8, 12, 14.

(*n*) Rom. 13. 5

3. *Thoſe oaths*, which in the matter of them are againſt that moſt neceſſary condition of all oaths, *Juſtice* and *Righteouſneſs*, never did, nor can oblige, (*i.e.*) if the things ſworne *Sect.* 34.

to, or Promiſed by Oath, be diſhoneſt, unjuſt, impious; againſt the Law of God, Moral equity, the right of a third Perſon, &c. it may at no hand be done. There can be no juſtice, and conſequently no obligation to *worſhip an Idol*, to *Kill*, *Steale*, *Rebell*, &c. *juſtice* requires that all lawful and poſſible engagements be performed, but ſinful and unjuſt obligations retracted. That Advice is certainly ſound, which a *Reverend Author* gives. (o) *In wicked Promiſes, reſcind thy faith; in a diſhoneſt Vow change the decree; do not that which thou haſt vowed unwarily; it is an impious oath which cannot be made good but by wickedneſs.* It is a moſt ſure rule, *Juramentum pietatis non debet eſſe vinculum iniquitatis*, for otherwiſe *Sceleſtus eſſet fides.* Such was the oath of (p) *Herod* to *Herodias*, an oath *ſinfully taken, and wickedly kept.* Such was that oath of *David*, He ſwore, (q) with an imprecation of a *Curſe* upon himſelf to *Deſtroy Nabal* and *all his houſe*, which yet upon the petition of *Abigail* he *piouſly broke*, but ſhould *ſinfully have performed.* Such was the Raſh Oath of *Saul*, (r) which would have engaged him to murther *Jonathan*; but the People prevented, what he ſhould *ſinfully have done.* Such was the (s) Oath of thoſe *forty Jews* to *kill Paul*, which they *wickedly ſwore*, and ſhould more *wickedly have committed.* In this caſe, it matters not *how*, *when*, or *by what means*, *we were brought to ſwear*, ſo much, as *what we have ſworne.* *Oaths* engaging to *unlawful*, and *unjuſt* Actions, (though through ignorance, error, weakneſs, miſpriſion, ſurreption, fear, or malice entred into) are *not to be kept*, not have any obligation upon the Conſcience: They engage the Swearer to repent of, and retract his Oaths, but not at all to performe them.

(o) *In malis promiſſis reſcinde fidem; in turpi voto muta decretum; quod incautè vovisti ne facias; impia enim promiſſio, quæ ſcelere ad impletur.* Glouc. *on* Catech. *out of* Iſidor.

(p) Matth. 14. 7—12.

(q) 1 Sam. 25. 21, 22, 34.

(r) 1 Sam. 14. 24, 44, 45.

(s) Act. 23. 12, 21.

Sect. 35. The truth is, to keep ſuch an Oath is a *double ſin*. *A ſin* it was *to ſwear*; and another ſin, to *perform the oath*; *Quod malè juratur pejus ſervatur.* For, what God hath forbidden, he will not have done at any hand. He hath forbidden us *to ſwear* or *promiſe them*, but much more *to do them*, and to keep ſuch Oaths, is but to adde ſin to ſin. Were the Oath *extorted by fear*; it is *our ſin to be affrighted into ſin*, who ſhould rather *chooſe to die, than ſin.* We muſt beg pardon for our baſe fears, but at no hand adde another ſin in performance: and

and the ſame muſt we conclude of *Surpriſe*, or *Paſſion*, when the matter is unjuſt or ſinful. Memorable is the Story which *Munſter* (*t*) records of *Jutha* the Daughter of the Emperour *Otho.* 2. " She was by the Emperour, her Father, put " into a *Nunnery*; but by force taken thence by *Udalric*, or " *Ulderick* the Son of the *King* or *Duke of Bohemia*, and " married to him. The Emperour, urged by the indignity " of the fact, ſwears to revenge himſelf upon *Ulderick*; and " to lead an Army into *Bohemia*. He doth ſo, His and *Ulde-* " *ricks* Armies meet. *Jutha* the Daughter of the one, and " Wife of the other, aſtoniſhed, and affrighted, haſtily runs " to her Father, begs to ſpeak with him before the Armies " joyn, or he lets his fury rage in blood. She obtains this li- " berty, and ſues for Peace and Reconcilement. The *Em-* " *perour* urgeth *his oath*, whereby he had bound himſelf: She " anſwers, (*v*) *That Religion is vain, which makes way to* " *wickedneſs; nor can any oath give force, power or licence, to* " *a crime, or ſin.* Thus ſhe ſatisfies her fathers ſcruple, and obtains her ſuit.

(*t*) *Munſt.* de Germ. l. 3. c. 499.

(*v*) *Vana eſt religio quæ ſceleris locum facit; vim criminibus Sacramenta non adimunt.* Munſt. *ibid.*

So that No Oath can oblige us either 1. *Againſt Piety*, the duties of the firſt Table. Or, 2. *Againſt Juſtice and Charity*, the duties of the ſecond. For theſe are the matters of the (*u*) *Royal Law* of God, and indiſpenſible duties upon man: And in vain ſhould the Lord of heaven give us ſuch a Law, if we might at pleaſure ſwear, and then upon pretence of ſuch an Oath be at liberty to break ſuch a Law, the *leaſt Commandments* (*x*) whereof God at no hand will have to be broken. But particularly, ſo far as refers to our preſent purpoſe. *Sect.* 36.

(*u*) Jam. 2. 8.

(*x*) Mat. 5. 17, 18, 19.

1. *No Oath* can oblige us againſt equity, *againſt the right of a third perſon*, or to the *direct injury of our Neighbour*. For, though having ſworne to our own inconvenience, we muſt not change, becauſe we are Maſters of our own rights, and may, if we pleaſe, give them away: yet of anothers rights we are not. God hath bound us by his Law to preſerve them, and we may not ſwear to deſtroy them; nor may we deſtroy them, though we have ſworne ſo. *Sect.* 37.

2. *No Oath* can oblige us againſt the Duty, that we owe to *Sect.* 38.

our Governours or Superiours, or the Laws that we do and muſt live under. God hath bound us to *Obedience*, and no oath can oblige to *Rebellion*, *Sedition*, *Schiſm*, or *Diſobedience*: no more than the (*y*) *Corban*, or pretence of a *vow* and a *dedication of all to God*, could free the *Jews* from yielding that *honour*, *obedience*, *and maintenance*, which God had obliged them to yield to their *Parents*. He that well underſtands the Fifth Commandment, *Honour thy Father, and Mother*, knows that no Oath can oblige a man to riſe up againſt them, and turn his *Father* out of doors, yea or deny the duty which he owes to them: and as little can it oblige us to endeavour to *Subvert the Government*, or *overthrow thoſe Governours* in Church or State, to whom, by vertue of the ſame Precept, we are obliged to be (*z*) *ſubject, not only for wrath, but for conſcience-ſake.*

(*y*) Mat. 15.5. Mark 7. 11,12.

(*z*) Rom. 13. 1—5. 1 Pet 2. 13,14.

3. Nor can *any oath* oblige us againſt the former juſt obligations upon us; nor againſt thoſe lawful Oaths, which we had formerly taken, and are not yet free from. *Prior obligatio poſteriori præjudicat.* A former obligation doth prejudge, and prevent the latter. For every lawful Oath having an unqueſtionable tie upon the conſcience, it muſt be both unlawful to ſwear any thing contrary to it, and though we ſwear, we cannot be obliged. For we cannot be bound to *forſwear*; yea, we are infallibly bound, (*a*) *not to forſwear our ſelves.* A latter Oath cannot oblige, when the very *taking* of it, is an *act of perjury*, and the *keeping of it would be a perſiſting in the perjury*, in the breach of our former Oaths. This had the (*b*) *Phanician Navi* learned, who in the ſervice of *Cambyſes* were commanded by him to ſail againſt *Carthage*; though they were under his pay, and probably bound by the *Souldiers Oath*, the *Sacramentum Militia* (and the Souldier is bound to obey, not diſpute his *Generals* commands) yet they thought themſelves not obliged in this, but denied obedience, becauſe they were *by a former Oath obliged to the Carthaginians*: and they therefore thought, that their latter Obligation to *Cambyſes* could not oblige them to deſtroy thoſe, whom by a former Oath they were bound to protect and aſſiſt. An Oath, that is *unlawfully* entred into, becauſe *Raſhly*, may yet bind, when

(*a*) Exod. 20.7. Mat. 5. 33.

(*b*) Vid. *Simſ. Chron. Cath.* Part. 1. am. 3480.

when the *matter is honeſt*, and *in our power*: but No Oath, unlawful in the matter of it, can either be *lawfully taken*, or when taken, *can lay any obligation*; for *No Oath can oblige us to ſin*.

We have now ſeen the general caſes concerning the *Nature, Qualities, Obligation*, and *Non-obligation of an Oath*. It will not now be difficult to ſhew, by applying theſe general things to the particular caſe of the *Covenant*, the *Non-obligation*, and *Unlawfulneſs of that Oath*. I have been very ſerious in examining and conſidering this caſe, not, *Whether the Penalty in this Act of Parliament be too ſevere* (for into that we have no call to inquire) but, whether *We may lawfully do as that Act requires*, and make that *Acknowledgement* which this Law enjoyns us. *Viz. Whether this Covenant were lawfully taken, or may lawfully be kept*: and *whether yet it ſo obligeth, that we may not renounce it, and declare as much*. And upon theſe premiſed principles I judge we may be fully convinced of its *Illegality*, and *Non-obligation*, and conſequently may lawfully *acknowledge* and ſubſcribe ſo. *Sect.* 40.

1. It will not be denied, for it is unqueſtionable, that *This Covenant was a Publick Oath*; and then according to the former rule, it may alſo be *annulled, revoked*, and *abrogated by a Publick Authority*. Suppoſe the *Authority* were *Supreme* that required it; ſuppoſe, that we *in obedience to that Authority did lawfully ſwear it*: yet without diſpute, the *Authority, that is infallibly Supreme* with us, *doth now Revoke*, and hath *diſannulled* it. And here is evidently then *Ceſſatio materiæ*, and ſuch a *Notable Alteration of the ſtate of things referring to the Principal matter*, which had it then been, this Oath would neither have been impoſed nor ſworne; and we may juſtly conclude, that, if it ever did oblige, yet now it doth not: unleſs we can be obliged to maintain a Law, which an *Act of Parliament* hath repealed. But this is not all, for this ſuppoſeth it eſtabliſhed by a Law. But *Sect.* 41.

2. It was an Oath *Impoſed by thoſe, who had no authority to impoſe an Oath*. It was a *Covenant* entred into by *Subjects*; and *diſallowed by the King*, who then ruled over us: and now again, by *His preſent Majeſty*, with the full conſent of *all* *Sect.* 42.

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the eſtates of the Kingdom in Parliament, abrogated: and therefore cannot have an obligation, in analogy to, and by vertue of that Law of God before mentioned, *Numb.* 30. for in this caſe there is the ſame reaſon of *Subjects under Government*, as of *Children under tuition*, or a *Wife under Covert-bond*. We had no power to enter into ſuch an *Oath* or *Combination*; nor, it being denied, and diſallowed by our *Soveraign*, can we be obliged by it: for this muſt be ſtill ſuppoſed a tacite condition, *That our Governours, and the Laws that we are under, will allow and permit it.* But more,

Sect. 43. 3. It was an Oath *Unlawfully ſworne, and cannot but be unlawfully kept.* And the unlawfulneſs will appear in theſe particulars.

1. It was *Unlawful in the Impoſition:* as being impoſed by *no lawful Authority.* The Laws of this Kingdom acknowledge nothing to have the force and power of a Law, but from the ſtamp of the *Royal Authority*, the Kings *Fiat:* which that *Ordinance*, which impoſed this *Covenant*, never had. It muſt therefore be concluded to be *impoſed upon the Subjects of this Realm, contrary to the Known Laws and Liberties of this Kingdom:* a thing, even the ſame, which thoſe two Houſes of P. which impoſed this Oath, declared; when they took away and annulled the late *Canons*, and that Oath, which was ſo Decried for the, *&c.* viz. * That *A New Oath cannot be impoſed without an Act of Parliament*; which this was never eſtabliſhed by.

* Exact. Coll. p. 859, 860.

Sect. 44. 2. *Unlawful in the Ends of it.* Which (whatſoever, and how ſpecious ſoever the Pretences were) have appeared ſufficiently to the world to have been indeed *Seditious*, and *Rebellious.* The charge may ſeem high, and too uncharitable: but let it be remembred, (and it is too evident then to be denied) This very *Covenant* was made the main Engine of a deſign, the ſaddeſt, the bittereſt, that *England* ever ſaw before, to engage a people againſt the Church and State: and to Bring in the *Scots* to aſſiſt them in a diſmal *War againſt the King*; which they would not be brought to do, till *this Kingdom* did *Covenant* to throw out her *Biſhops*, and extirpate the eſtabliſhed *Epiſcopacy*, *Root and Branch.* So that the great ends aimed at

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in the contriving and exacting this Covenant to be ſworne, was, 1. Not to Reform ſome abuſes, or, to take away ſome needleſs Officers, or, prevent ſome irregular proceedings in the Courts: but utterly to *aboliſh the eſtabliſhed Government in the Church*. And then, 2. By the Aſſiſtance of the *Scots* to maintain a War againſt the *King*, and to reduce Him to ſuch Terms as the Two Houſes ſhould think fit to put upon Him: That they might be able to *Give Laws* to the *King*, from whom they were bound to *Receive them*.

3. *Unlawful* alſo it was in the *Matter of it*, as binding men *Sect.* 45.

1. To *Impoſſibilities*, if not *in nature*, yet certainly *in equity*, *Viz.* binding men to do that, which they had *no power*, *no authority to do*. What *Power* or authority had *Subjects* to enter into ſuch an Oath, not only *without*, but *contrary to* the mind, conſent, and expreſs Command and Will of their *Soveraign*? What *Authority*, *Power*, or *Call* had they, to endeavour the Overthrowing of that Government, as *Antichriſtian*, under which the *Chriſtian Church* had been happy, and flouriſhed ſo many hundred years; and which they were by the poſitive Laws of our Land bound not to oppoſe, but to obey and ſubmit unto? *Id ſolum poſſumus, quod jure poſſumus*, Properly, *we only can do that, which we lawfully may do*. In this ſenſe then, the *Covenant* ſhould bind to *impoſſibilities*; which argues a *Nullity*: unleſs *Subjects* can pretend to a *power* to overthrow any thing which the Law eſtabliſheth, whenſoever they like it not. Farther,

2. Unlawful it was, as binding to *Unjuſt*, and *Diſhoneſt things* alſo. *Sect.* 46.

1. Infallibly, No Oath can bind to Sedition, or, the overthrow of thoſe Laws that we are bound to obey: and that Oath obligeth to *injuſtice* and *impiety*, which obligeth to *Perjury*, and *the breach of former*, *not yet cancelled*, *obligations*. Now the *Laws* had eſtabliſhed *Epiſcopacy*; *Miniſters* had *Sworne Obedience to the Biſhop*. There can therefore be *no obligation*, becauſe ſo much *Impiety* in that Oath, which if it ſhould oblige, would oblige to *Perjury*.

Object. I know what hath been ſaid to this, Viz. *That, thoſe who have Sworne obedience to the Laws of the Land, are not ther by prohibited to endeavour by all lawful means the abolition of thoſe Laws, when they prove inconvenient or miſchievous.*

Solut. 1. But, 1. The Utmoſt of that *Obedience*, which was ſworn to the *Biſhops*, was but *in Licitis & Honeſtis*, in lawful and honeſt things. And how a lawful and honeſt obedience ſhould be culpable; or the *Laws* that required it, ſhould be *miſchievous*, or, *inconvenient*, I confeſs I yet never could have eyes to ſee; nor (I think) any man elſe.

Sol. 2. 2. Had the *Laws*, which eſtabliſhed *Epiſcopacy*, been ſuch: yet it will ſeem very ſtrange to a conſidering, and intelligent man, that, preſently to enter into ſuch a *Covenant* and Combination; and by force and power to break through thoſe Laws, and overthrow the eſtabliſhed Government, *whether the King will or no*, ſhould ever be accounted a *lawful means*. Again,

Sol. 3. 3. Suppoſe it *inconvenient*, yet *Subjects* have no power to *Make a Law*, or *Alter a Law for themſelves*. If any *miſchief*, or *inconvenience* had been in that Law; or the Government eſtabliſhed; we might lawfully have *ſhewed the Grievances*, and *Petitioned* for a redreſs to thoſe, to whom only it belonged to reform them: but to Swear to extirpate a Government, to overthrow a Law, againſt the Law-givers conſent; this is ſomewhat elſe than a peaceable petition, or an honeſt endeavour. Though we might by humble petition in ſuch a caſe beg a Reformation, yet without all controverſie we were bound by our *Allegiance*, *Duty*, and *former oaths*, to *obey* that which was eſtabliſhed, until the Supreme power ſhould ſee it juſt or fit to alter it.

Sect. 47. 2. *That Oath* which bindeth men to the *injury* of another, *whom we are bound to love as we love our ſelves*, and *to do to them, as we would have others do to us*, is *unjuſt in the matter of it*, and conſequently *unlawful*, and bindeth not: But this *Covenant* bindeth to ſuch an *injury*; an injury, not of one, or two, but an whole *Order of Biſhops* who were once a *Third Eſtate* (and by the good Providence of

of God are ſo now again) to the depriving of them both of their Places, and Power in the Church; and of their Lands, Eſtates and Livelihoods, that if they lived, they muſt live upon Alms; as many in the late Confuſions were even forced to do.

3. It was infallibly unjuſt, and diſhoneſt, and wicked, to endeavour and conſpire the *deſtruction of innocent, faithful, loyal ſubjects*; to ſwear the death, confiſcation of goods of all thoſe, that conſcientiouſly thought themſelves bound, (as indeed they were) by their *Allegiance* to ſerve and aſſiſt the King, and to preſerve him from that fatal end, to which this *Covenant* (though, I verily believe, many of thoſe, who ſometimes were zealous in impoſing it, and thouſands that took it, never intended ſuch a thing) did make and prepare too ſad a way. Yet this do they ſwear, *viz.* to diſcover all ſuch, as *have been, or ſhall be Malignants* — and to *bring them to publick trial, that they may receive condign puniſhment.* And who theſe *Malignants* were, what the *condign puniſhment was*, is ſufficiently declared by thoſe who impoſed the *Covenant*, and therefore by their avowed ſenſe and publick Declaration, it is manifeſt whom men were by this *Covenant* bound to perſecute and deſtroy. * *All perſons, who, upon any pretence whatſoever did aſſiſt His Majeſty with Horſe, Armes, Plate or Money in that war*, theſe were declared *Traytors, unparallel'd Traytors, and who ought to ſuffer as Traytors* (and what the puniſhment of ſuch is, we need not be told) and to theſe was vowed *ſpeedy, and exemplary puniſhment.*

* See, Exact Coll. p. 260, 576, 509.

Many other particulars might be produced to prove the *Non-obligation*, and the *unlawfulneſſe of that Covenant*, but theſe are enough to engage us to acknowledge, and to juſtifie us in ſuch an *acknowledgment* as the preſent Law, the *Act for Uniformity* requires. Some, perhaps, may not be convinced of the truth of all theſe particulars here aſſerted: yet, me thinks, we may eaſily ſee enough to ſatisfie our ſouls, as to all that this *Act* requireth of us. And really, *the Act* in this particular ſeemes to be penned with ſuch *Caution, Prudence*, and *Tenderneſs*, that no conſcientious Chriſtian may be enſnar'd by ſuch a ſubſcription, nor have any occaſion juſtly to ſcruple ſuch an Acknowledgment. For, *Sect.* 48.

1. As to the *Obligation*, it requires us only to acknowledge its *preſent* non-obligation. Nor, that it never did, but that it *doth not now oblige*. Many perhaps may think that they were obliged, while that power ſtood, when yet they may now ſee they are not. But whatſoever was the Obligation, whether ever it did, or did not bind, all that we now are to declare, is, That there *now lies no Obligation on us or any other by this oath to endeavor the alteration of Government in Church or State*. Let me ſeriouſly put the queſtion to thoſe that yet make ſcruple, and are afraid to ſubſcribe: Yea, let all loyal and pious hearted Chriſtians put the queſtion to their own ſouls, and as in the preſence of the eternal, All-ſeeing, and moſt righteous God, give anſwer to themſelves.

Sect. 50. 1. Can any Oath, that we have raſhly taken, oblige any ſubject to reſiſt, or endeavour to root out a Government, which the Law hath eſtabliſhed, and doth ſtill maintain, and require obedience to? then, certainly, diſobedience and rebellion could be no ſin; nor any Government be firme, or Governours ſecure, when men that like it not ſhall by Oath bind themſelves not to obey, but aboliſh it. Prelacy is reſtored, and by an unqueſtionable Law eſtabliſhed, do ye really think in your conſciences that ye are now bound to extirpate it? not only ſome of the *ſubordinate officers* (as ſome, who in the ſincerity of their hearts were drawn in to ſwear this *Covenant*, did think they only were obliged againſt the whole frame, as ſo compounded together, and if any alteration were made, though but in ſome of the loweſt Officers, were it but the removal of ſome *Officials*, *Comiſſaries*, *&c.* they had ſufficiently anſwered their obligation,) But even the *Biſhops* themſelves, (for whatſoever ſome might think when they took the *Covenant*, the *Impoſers* of it, by their actions ſhewed, that they meant not the laying aſide only *ſome Officers* not ſo neceſſary, nor of Divine inſtitution, but the whole *Epiſcopacy*, and the very *Biſhops* as *a plant not of Gods planting*.) Yea, if occaſion and opportunity ſhould be offered, may not ſome upon the ſame pretence riſe up againſt the whole Miniſtery, and from the *ſame Covenant* plead the extirpation of all the *Miniſters* alſo, becauſe they are made ſo by *Epiſcopal Ordination*, as ſuch

ſuch who are, and muſt be included under the title of *Eccleſiaſtical Officers dependi g on that Hierarchy*, which in the *Covenant* men w th the *Hierarchy* bind themſelves to *extirpate?*

Sect. 51. 2. Do ye really think, that, notwithſtanding it is enacted by a Law that to *raiſe and bear armes againſt the King* (though by *order* or *ordinance* of *both* or *either houſe of Parliament*) is *Treaſon*, yet that you are bound ſtill to maintaine Armies againſt *His Majeſty*, if he will not conſent to the matters ſworn to in the *Covenant*: and to *aſſiſt each other, and never by any terror, fear, or perſwaſion be drawn from ſuch a combination?* for ſo runs the *Covenant*, and if ſuch be mens principles, that it ſtill obligeth, how can our peace, or Laws, or Government ever be ſecure?

Sect. 52. 3. Do ye really think, that you are ſtill obliged to bring all that did adhere to, and aſſiſt *His Majeſty* in the late warre, to puniſhment; to ſuffer as *Malignants, Traytors, unparall'd Traytors*, (as they were then called, and the *Covenant* meant)? If the *Covenant* have any obligation, it muſt oblige to theſe things, for ſo is it there *in terminis* expreſſely ſworn. Let me beſeech all, ſoberly to lay their hands upon their hearts, and anſwer theſe queſtions to their own ſouls, and if they are not obliged in theſe (as beyond all doubt they are not, yea beyond all controverſie they are tied by all obligations to the contrary) then muſt we conclude that it is truth, which by this *Act of Parliament* we are obliged to *declare*, and we may lawfully (and conſequently, being ſo legally commanded, we are in conſcience bound to) *acknowledge* and ſubſcribe, that whether ever there were or were not any obligation by the *Covenant*, yet now, *There lieth no obligation upon us, or any other perſon by his Oath, to endeavor any change or alteration of Government either in Church or State.*

Sect. 53. Theſe conſiderations are ſufficient to ſatisfie us then as to the firſt part or propoſition to be acknowledged concerning the Covenant, *viz.* its preſent *non-obligation*. Which is no more, than that, 1. What ever it did heretofore, yet *now* it doth not oblige, being taken away by a Law of a Publick and juſt authority. And, 2. However, man may yet be obliged to ſome other things therein mentioned, as to endeavour *in our places*

and callings, the extirpation of Heresie, Schism and Prophaneness, and whatsoever is contrary to sound Doctrine, and the power of Godliness: to maintain and defend the Kings Majesties person and authority (without that Restriction there annext, our *Allegiance* being due to Him, not as He is a *Christian* or *Godly*, but as He is *our King*;) *and to amend our lives, and go before each other in the example of a real reformation*, &c. Though, I say, we may be, and are still obliged to all these things (yet, I think, not from this Covenant, but from other grounds and principles of more unquestionable authority) yet we may make that acknowledgement as the *Act* requires, which is not, that there *lies no obligation by the Covenant to endeavour these things:* but only *No obligation to endeavour the alteration of the Government in Church or State:* (*i.e.*) No obligation to Sedition, Rebellion, or, Opposition of the Laws which God hath commanded us to live under.

Sect. 54. 2. As to the latter part to be declared, *viz.* the *Unlawfulness of that Covenant*, it is only, that *it was an Unlawful Oath*, and though there may be many things to prove it so, yet we are there required to acknowledge but this one, *The imposition of it contrary to the known Laws and Liberties of this Kingdom*, which must be acknowledged by those, who themselves have declared, that *No new Oath can be imposed but by Act of Parliament*, which this never had, as before was shewn. Is it not undoubtedly true, that there can be no *Act of Parliament*, no Law, without the *Royal assent?* and was not this imposed without, yea contrary to the Consent of *His late Majesty* then Reigning? Disallowed still, condemned and revoked now by *His present Majesty?* yea condemned and disannulled by a Law of *England*, an *Act of Parliament?* So that it is most certain, that, *It was an Unlawful Oath*, so far at least as concerns the manner of the imposition, and the authority of the Imposers, as, *Imposed upon the Subjects of this Realm against the known Laws and Liberties of this Kingdom.* And this is all that we are here required to acknowledge.

Sect. 55. Let me but adde the determination of the *Assembly of Divines* then called together by the two Houses of Parl. and sitting at *Westminster*, in their *Exhortation* annext to that Covenant.

nant. In anſwer to that Plea of the Clergy, who might object, [*They were ſworne to obey the Biſhops* in Licitis & Honeſtis, *and therefore could not take this Oath to extirpate them*——] They conclude thus —— *If there ſhould be yet any Oath found into which any Miniſters or others have entred, not warranted by the Laws of God and the Land, in this caſe they muſt tell themſelves and others, that ſuch Oaths call for Repentance, and not Pertinacy in them.* Now, are there not many things in this Oath againſt the Laws of God? is it not wholly againſt the Laws of the Land? Where do the Laws of God or the Land warrant Subjects to *extirpate* an eſtabliſhed Order and Government, without the conſent, yea againſt the mind of their Soveraign? Where do the Laws of God or the Land warrant any to proſecute thoſe who according to their duty and Allegiance, ſerve, and labour to defend the Life, the Perſon, the Authority of the King, and act by His Commiſſion, as Malignants, and evil Inſtruments, and to puniſh them as Traytours? Sure I am, it was an Oath, much more *againſt the Laws of God and the Land*, than any of thoſe Oaths, wherein the Subjects of this Realm were before engaged, whether the *Oaths of Supremacy* and *Allegiance*; or, the Oath of *Canonical obedience to the Biſhops*, (which are warranted by both;) can with any ſhadow of reaſon be pretended to be. *This Oath* therefore, even according to their determination, *calls for Repentance, and not Pertinacy in it.*

And, really, *Repentance*, earneſt, unfained Repentance it doth call for. We may too juſtly lament, and take up the words of the Prophet, *Becauſe of Swearing, the Land mourneth.* The Land hath mourned, under the Scourges of God, and we have yet cauſe to fear, leſt God again make us feel the ſmart of his Rods; Sure I am we have yet reaſon to *mourn*, in ſorrow and compunction of heart, for the *ſins of our Oaths*, (beſides thoſe cuſtomary, prophane, *Tavern*, and *ſtreet-oaths* of ungodly men,) for our neglect and breach of thoſe Sacred ties of *Allegiance* and *Supremacy*, which we had ſworne, and violated; for thoſe many unlawful Oaths and Engagements, which were too raſhly entred into, and more ſinfully kept. O let us with tears in our eyes, and contrition in our hearts, earneſtly *Seſſ.* 56.

nestly beg pardon of our God, whose name in these we have so often taken in vain; and testifie the sincerity of our Repentance by a Conscientious returning to our duty, in the careful practice of the strictest Piety to God; unstained and constant Faith and Allegiance to the King our Soveraign; and a chearful and ready obedience to the Laws upon us both in Church and State.

Sect. 57. Thou hast now (Reader) my thoughts concerning this acknowledgement that we are to make of the *Non-obligation*, and *Unlawfulness of the Covenant*. All my design is *Peace* and *Obedience*, and to offer what I am able, to remove those doubts and stumbling-blocks that lie in the way, and hinder both. For those sober, humble, and conscientious men, who yet dare not renounce that Covenant, which though unadvisedly sworne, they yet think to oblige, and are therefore afraid to subscribe this *Declaration* prescribed, I shall presume to hope, they may find something in these papers, that may satisfie their doubts, remove their fears, and convince them of their real duty, that by their groundless scruples they may not make themselves uncapable of serving *Christ* and his Church in the Publick exercise of their Functions and Ministeries. Read, Ponder, and Consider the matters before thee, lay aside all passion and prejudice, and the by-thoughts of a vain reputation: let not men that have erred, be ashamed to confess it, but be more ashamed to persist in it. Repentance is the next Door to innocency. *Quem pœnitet peccâsse pœnè est innocens.* We have suffered a sad shipwrack by our Follies and Sins, Repentance is *Secunda tabula, post naufragium*, a Planck left, by means whereof, through Gods mercy, we may yet get safe to shore, and be happy again.

——— *Si quid novisti rectius istis,*
Candidus imparti: si non, his utere mecum.

FINIS.

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